

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF WATER RESOURCES,	)	No. CIV S-05-0518 GEB EFB
	)	
Plaintiff,	)	<b>ORDER EXTENDING TIME TO</b>
	)	<b>PRODUCE DOCUMENTS</b>
v.	)	
	)	
POWEREX CORP., a Canadian Corporation, dba POWEREX ENERGY CORP.,	)	
	)	
Defendants.	)	
	)	

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On June 26, 2009, the Court conducted a telephonic discovery hearing concerning the June 4, 2009 order granting in part, and denying in part, defendant Powerex's motion to compel. Attorneys Gary Alexander, Danette Valdez, and Todd Edmister appeared telephonically on behalf of Plaintiff. Attorneys Shelby Kelley and Deanna King appeared telephonically on behalf of Defendant.

In the June 4, 2009 order, Plaintiff had been ordered to produce the "CERS-related" documents and long-term contract documents not implicated by the official information privilege on or before June 30, 2009. (See paragraphs 2 and 3 of the June 4 order.) Plaintiff indicated that the requisite search for these CERS-related documents had been completed, and the universe of documents had been assembled. Plaintiff represented the same was true for the long-term contract documents. However, additional time was needed to process these documents for

1 production. Among other things, this processing involves scanning the documents to create  
2 TIFF images, making linking files for the database software used by the parties, applying  
3 electronic Bates numbers, applying confidentiality endorsements, and then burning the data to  
4 disks. Plaintiff requested through and including July 15, 2009 to complete this production,  
5 rolling out production to Defendant as the documents were processed.

6 Additionally, Plaintiff represented that with certain deposition transcripts from a FERC  
7 long-term contract proceeding (see June 4, 2009 order at paragraph 3), additional time was  
8 needed to determine which parties had designated the transcripts confidential under the FERC  
9 protective order and to give notice and an opportunity to object to such involved parties before  
10 producing the transcripts pursuant to the June 4, 2009 order.

11 On the basis of this telephonic hearing and the representations made therein, IT IS  
12 HEREBY ORDERED that:

- 13 1. Plaintiff shall have through an including July 15, 2009 to complete a rolling  
14 production to Defendant of the "CERS-related" documents and long-term contract  
15 documents mentioned in paragraphs 2 and 3 of the June 4, 2009 order.
- 16 2. With respect to the deposition transcripts from the FERC long-term contract  
17 proceeding, on or before July 2, 2009 Plaintiff shall give notice to the parties involved  
18 who designated or may have designated the transcripts confidential. This notice shall  
19 ask those parties to respond by July 10, 2009 with an objection to production if any  
20 such objection exists. Thereafter, if there are no objections, Plaintiff shall produce  
21 the transcripts on or before July 15, 2009. If there are objections, those shall be  
22 brought before the Court on July 15, 2009 at the continued hearing on Defendant's  
23 motion to compel.

24 IT IS SO ORDERED.

25 DATED: June 29, 2009

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/s/Edmund F. Brennan  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE